



Paper No. 20

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In re Application of
Philyaw
Application No. 09/491,142
Filed: January 26 2000
Attorney Docket No. PHL Y-24,910

OFFICE OF PETITIONS
ON PETITION

This decision concerns the July 21, 2003 "Renewed Petition for Revival of an Application for Patent Unavoidably Abandoned Pursuant to [37] CFR 1.137(a)" which is being properly treated as a renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-referenced application.

The petition is **GRANTED**.

The application was held abandoned as of August 11, 2002 for non-response to the May 10, 2002 non-final Office Action. A May 6, 2003 petition to revive, asserting non-receipt of the Office action, was treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. That petition was dismissed on May 14, 2003 for failing to show that this Office action had not been received by counsel for Assignee.

The instant renewed petition includes:

- (1) a statement from counsel that the Office action was not received by counsel;
- (2) a declaration by counsel's docket clerk that a search of the relevant file jacket and docket records indicates that the Office action was not received; and
- (3) a copy of the docket record where the May 10, 2002 non-final Office Action would have been docketed had it been received.

The petition is thus granted. The holding of abandonment in this application is hereby withdrawn.

The \$55 submitted with the May 6, 2003 petition, intended as the §1.137(a) petition fee, has been credited to Deposit Account N. 20-0780 as authorized in that petition.

The application file is being returned to Technology Center 2100 for examination of the "Amendment and Response to Office Action" submitted with the May 6, 2003 petition.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions